

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE

JOSEPH D. ROBINSON, Individually as)
Father and Legal Guardian of the Minor Child)
E.R.; and BRANDY T. ROBINSON,)
Individually as Mother and Legal Guardian of)
the Minor Child E.R., and as Next of Friends)
of E.R., a Minor Child,)

Plaintiffs,)

v.)

ALCOA CITY SCHOOLS BOARD OF)
EDUCATION d/b/a ALCOA CITY)
SCHOOLS; DR. BRIAN BELL, Individually)
and as Director of Alcoa City Schools;)
MICHELLE KNIGHT, Individually and as)
Principal of Alcoa Intermediate School;)
SCOTT PORTER, Individually and as)
Principal of Alcoa Middle School;)
JOSH STEPHENS, Individually and as)
Athletic Director of Alcoa City Schools; and)
BRIAN GOSSETT, Individually and as an)
Employee of Alcoa City Schools,)

Defendants.)

JURY DEMAND

No.: 3:19-cv-17-TAV-HBG

AGREED PROTECTIVE ORDER

Upon joint Motion of the parties that an Agreed Protective Order should enter in the above-captioned matter, and for good cause shown, it is hereby

ORDERED that the Joint Motion for Protective Order be and hereby is GRANTED.

It is further ORDERED that any educational records related to the minor Plaintiff E.R. or any other minor students of the Alcoa City Schools Board of Education d/b/a Alcoa City Schools, which are produced by the School System shall be considered confidential pursuant to the Family

Educational Rights and Privacy Acts (hereinafter “FERPA”) and Tenn. Code Ann. § 10-7-504.

Such documents will be produced pursuant to the following conditions:

1. All such records shall be deemed confidential and shall be used only for the purpose of the proceedings associated with the above-captioned lawsuit and shall not be disclosed to any person EXCEPT:

a. Counsel of record for any party, including associated or internal counsel and legal associates, and clerical or other support staff of such counsel assisting in the preparation of this action;

b. Independent experts of consultants employed by counsel or considered for employment for the purpose of assisting counsel in this action;

c. Witnesses and court reporters at any deposition, pretrial hearing, trial or other proceedings, including preparation for these proceedings. Witnesses shall return said records to counsel upon completion of proceedings. Witnesses shall not make additional copies of the records.

d. The United States District Court for the Eastern District of Tennessee and/or the appellate body which has cause to consider any of the issues in this action;

e. Any other person or entity only on order by the United States District Court for the Eastern District of Tennessee and/or the appellate body.

2. Any persons receiving confidential materials pursuant to this protective order shall keep them separate and inaccessible and shall not reveal or discuss such materials to or with any person not entitled to disclosure.

3. The parties recognize that information sought from non-party Alcoa Police Department may be privileged and confidential pursuant to Tennessee state law. Tenn. Code Ann. § 37-1-154 provides that law enforcement records and files related to juvenile court cases shall not be open to public inspection, and it is an offense to intentionally disclose those records. In light of the confidential and privileged nature of the records of non-party Alcoa Police Department and potentially other law enforcement agencies, it is further ordered that the parties may seek discovery of matters related to the criminal investigation of the incident(s) referenced in the Plaintiff's Complaint, including statements and/or documentation of minors in compliance with the applicable Federal Rules of Civil Procedure; however, such information shall be used only for the purposes of this litigation and shall not be distributed except under the circumstances set out in Paragraph 1 above.

4. Any confidential materials obtained pursuant to this protective order used in connection with depositions, interrogatories, requests for production, requests for admissions, motions, or any other pretrial matter, shall be redacted pursuant to the Court's redaction rules, and if submitted to the United States District Court for the Eastern District of Tennessee for filing, shall be filed in compliance with LR 26.2 of the Eastern District of Tennessee and Rule 12.2 of the Electronic Case Filing Rules and Procedures.

5. Notwithstanding the above, any objections to the admissibility of any document(s) or the information contained therein are not waived.

6. Upon termination of this action, including any appeals, all copies of confidential materials obtained through this Protective Order shall be returned to counsel for the Alcoa City Schools Board of Education or securely destroyed.

IT IS SO ORDERED.

ENTER this 6th day of March, 2019.

s/ Thomas A. Varlan
CHIEF UNITED STATES DISTRICT JUDGE

APPROVED FOR ENTRY:

By: /s/ Jacob E. Erwin w/permission
by Benjamin K. Lauderback
JACOB E. ERWIN, BPR NO. 020728
Attorney for Plaintiffs
THE ERWIN LAW FIRM
P.O. Box 6650
Maryville, Tennessee 37802
(865) 851-0644

By: /s/ Benjamin K. Lauderback
BENJAMIN K. LAUDERBACK, BPR NO. 20855
EMILY C. TAYLOR, BPR NO. 027157
Attorneys for Defendants
WATSON, ROACH, BATSON,
ROWELL & LAUDERBACK, P.L.C.
1500 Riverview Tower
900 South Gay Street
P.O. Box 131
Knoxville, Tennessee 37901-0131
(865) 637-1700